



UNITED STATES DISTRICT COURT

for the

NORTHERN District of NEW YORK

United States of America

v.

ANDRADE, Vinicius, OYOLA, Marline, PEREIRA-Coelho, Josimara, PINHEIRO DA SILVA, Wanderson

Defendant

Case No. 8:14-M-180(LAK)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 24, 2014 in the county of Franklin in the Northern District of New York, the defendants violated 8 U. S. C. § 1324(a)(2)(B)(ii), an offense described as follows:

The defendants: ANDRADE, OYOLA, PEREIRA-Coelho and PINHEIRO Da Silva, knowing and in reckless disregard of the fact that aliens has not received prior official authorization to come to, enter, or reside in the United States, did bring to or attempts to bring to the United States, and aids and abets the same in in any manner whatsoever, such aliens, in which the offense was done for the purpose of commercial advantage and private financial gain.

This criminal complaint is based on these facts:

On May 24th, 2014, at approximately 10:30 P.M., Agents from the Burke Border Patrol Station observed a yellow, NY plated Chevy Camaro (NY/GJA 6193, Hertz Vehicle, LLC out of New Jersey) and a tan, Connecticut plated Nissan Altima (CT 906 ZJU RO: OYOLA, Marline out of Bridgeport, CT) travelling together at a high rate of speed through the town of Chateaugay. NY.

X Continued on the attached sheet.


Complainant's signature
BORDER PATROL AGENT CYNTHIA REE
Printed name and title

Sworn to before me and signed in my presence.

Date: May 27, 2014


Judge's signature

City and state: Plattsburgh, New York

Hon. Larry A. Kudrle, U.S. Magistrate Judge, N.D.N.Y.
Printed name and title

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The tan Altima pulled off to the side of the road and allowed the Camaro to pass, the Altima then performed a U-turn on State Route 11 and travelled back toward the town of Chateaugay, NY. The Camaro slowed down significantly and travelled approximately two miles until it turned south on Montgomery Road in Burke, NY where it pulled off to the side of the road before it continued south.

Agents travelled back east on State Route 11 where they observed the tan Altima once again travelling west on State Route 11 and then north on East Road. Agents reported that the Altima was travelling north on East Road at a slow rate of speed and then turned west on Trout River Road and continued on. The Camaro then reappeared on East Road and was observed by Agents travelling to the north end of East Road and dropping off one individual at the northern most east/west tree line. Agents reported that the individual had walked into the field and then cut into the woods; this individual would later be identified as PINHEIRO Da Silva, Wanderson.

The East Road is a rural road which is in close proximity to the United States/Canada International Boundary and connects to other unimproved roads that are within close proximity to the International Border. The East Road has been recently utilized by smugglers to transport illegal aliens from the International Boundary to the interior of the United States.

At this point Agents regained visual contact with the Altima and Camaro as they met back up and travelled east on State Route 11. The Altima and Camaro alternated between high and low rates of speed the entire distance from Chateaugay to Plattsburgh. This alternating of speeds is a tactic utilized by smugglers of all kinds to determine and identify any individuals that may be following them. Agents followed the Altima and Camaro to the Microtel Inn in Plattsburgh, NY and at approximately 12:00 A.M. began static surveillance. The Camaro and the Altima were both parked for approximately 4 hours at the Microtel Inn.

At approximately 3:30 A.M. on Sunday May 25th, the Camaro and Altima were observed leaving the Microtel Inn traveling in different directions. The Camaro travelled east on Route 3 where it sped down the road and then slowed down and abruptly pulled over, Agents believed this to be a diversion for the Altima which was now travelling west on Route 3. The Altima continued on Route 3 where Agents observed it travelling on State Route 190 north toward Ellenburg, NY. The Camaro delayed for several more minutes and then took the same route of travel as the Altima. Both the vehicles, now approximately 6 minutes apart, travelled from Plattsburgh on State Route 190 and then on State Route 11 into Burke.

At approximately 4:15 A.M., the Altima was observed travelling north on East Road and then continuing west on Trout River Road. The Camaro whose driver was later identified as ANDRADE, Vinicius, was observed travelling north on East Road. Agents in the area observed the Camaro pull off the side of the road and several individuals load into the vehicle, the Camaro then turned around and left the area at a high rate of speed. Agents then observed the Altima travelling eastbound on Trout River Road toward their location. The Altima pulled off the side of the road and a single individual loaded into the vehicle, later identified as PINHEIRO Da Silva.

At this time Agents identified themselves and ordered the driver of the Altima, PEREIRA-Coelho, to shut the car off. The driver complied but the passenger who had just entered the vehicle, PINHEIRO Da Silva, attempted to abscond. After a brief foot pursuit and struggle PINHEIRO Da Silva was apprehended and placed under arrest. The vehicle driver and the other occupant, the registered owner of the vehicle, OYOLA, were placed under arrest and secured at the scene. OYOLA and PEREIRA-Coelho admitted during questioning that they had been paid \$1500 to act as scouts for the smuggling event. Oyola and Pereira-Coelho admitted that they had used the car earlier to scout the route and assist with the smuggling event.

Agents observed the Camaro travelling east on State Route 11 through Chateaugay and attempted to initiate a vehicle stop at the intersection of State Route 11 and State Route 374. The driver of the Camaro, ANDRADE, attempted to evade the Agents and subsequently was involved in a head on collision with a marked Border Patrol vehicle. When Agents approached the Camaro they saw seven individuals inside. All individuals,

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besides the driver, freely admitted to being citizens and nationals of Brazil and present in the United States illegally. All individuals in the Camaro were given proper medical attention and no one was seriously injured.

At the United States Border Patrol Station in Malone, New York PEREIRA-Coelho was advised of her Miranda rights to which PEREIRA-Coelho stated that she was willing to answer questions without a lawyer present. During questioning PEREIRA-Coelho stated she and her wife OYOLA were going to be paid \$1500 to act as scouts for the Camaro, which PEREIRA-Coelho identified as the pickup vehicle. PEREIRA-Coelho stated that she was initially acting as a scout but received a call and was told to go back and pick up PINHEIRO Da Silva on the East Road. OYOLA and PEREIRA-Coelho each admitted that they were aware that aliens were crossing the border and that PINHEIRO Da Silva was guiding the group on foot from Canada to a spot where they could be picked up by car.

ANDRADE was also advised of his right to not answer any questions without a lawyer. ANDRADE stated that he was willing to answer questions without a lawyer present. During questioning ANDRADE stated that he dropped off PINHEIRO Da Silva at the border so that he could pick up six individuals in Canada. ANDRADE stated that he was offered \$3000 to transport the aliens to the Massachusetts area. ANDRADE later drove back to the East Road area and picked up the six aliens.

During questioning of the smuggled aliens four were asked if they paid any money to be smuggled. All four aliens stated that arrangements were made to pay money to be smuggled and that they had not paid yet but were going to when they arrived at an unknown destination in New York State. The aliens stated during questioning that they were going to pay approximately \$6000/person as a smuggling fee.